

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

APR 25 2022

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)The property at the North East end of 2nd Lane, Farm
Road, Shiprock, NM GPS: 36°81985 N, -108°71170 W

Case No. 22-MR-657

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See "Attachment A", which is attached to and incorporated in this Application and Affidavit.

located in the _____ State and _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See "Attachment B", which is attached to and incorporated in this Application and Affidavit.

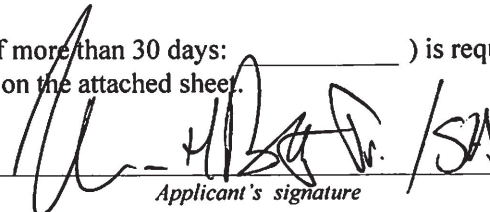
The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 113(a)(3)	Assault with a dangerous weapon
18 U.S.C. § 924(c)	Discharge of a firearm during a crime of violence
18 U.S.C. § 922(g)(1)	Unlawful Possession of a firearm by a Convicted Felon

The application is based on these facts:

☒ Continued on the attached sheet.☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

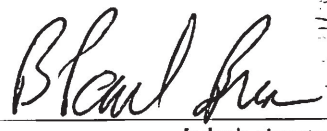
William H. Berry Jr, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: April 25, 2022

City and state: FARMINGTON, NM



Judge's signature

B. Paul Briones, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR NEW MEXICO

IN THE MATTER OF THE SEARCH OF
RESIDENCE ON 2ND LANE, FARM
ROAD, SHIPROCK, NEW MEXICO WITH
GPS COORDINATES OF 36°81985 N, -
108°71177 W

Case No. 22-MR-657

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, William H. Berry Jr., having been duly sworn, does hereby depose and say:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI"), where I have been employed in that capacity since July 2017. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency, and have primary investigative responsibility for crimes that occur in Indian Country, including violent crimes such as homicide, robbery, aggravated assault, and child sexual assault.

2. The information set forth in this affidavit has been derived from an investigation conducted by the Farmington Resident Agency of the FBI, the Navajo Nation Department of Criminal Investigations ("NNDICI"), and U.S. Marshals Service ("USMS").

3. The location to be searched is described in the following paragraph and in Attachment A. The target location described in this affidavit includes a residential compound located at the northeast end of 2nd Lane, Farm Road, Shiprock, New Mexico, with GPS coordinates 36°81985 N, - 108°71177 W ("Target Location"). This is a multi-generational compound with an unknown number of people living there. The compound has a single-story residential building, a hogan, and a shed. There are approximately 5-10 vehicles parked on the

property at a given time. This location is within the exterior boundaries of the Navajo Nation Indian Reservation.

4. Based on the facts set forth in this affidavit, there is probable cause to believe there were violations of 18 U.S.C. § 1153 (Crimes in Indian Country), 18 U.S.C. § 113(a)(3) (Assault with a dangerous weapon), 18 U.S.C. § 924(c) (Discharge of a firearm during a crime of violence), 18 U.S.C. § 922(g)(1) (Unlawful Possession of a Firearm by a Convicted Felon) committed by Raydell Billy, year of birth 1991 (herein referred to as Raydell) and that evidence of such crimes may be contained in the Target Location.

5. This affidavit is intended to show there is probable cause for the requested search warrant and does not set forth all my knowledge about this matter. The statements in this affidavit are based on my personal knowledge, information that I have received from other law enforcement personnel, and from persons with knowledge regarding relevant facts.

PROBABLE CAUSE

6. On the evening of April 11, 2022, San Juan County Sherriff's Sergeant Herrera notified SA Berry of a shooting which occurred at 1011 Southside Non-profit Housing, Shiprock, New Mexico (NM), which is within the exterior boundaries of the Navajo Nation Indian Reservation. The following day, SA Berry interviewed a victim (hereinafter John Doe) who described the following assault.

7. John Doe was laying on the bed in the house of the female victim (hereinafter Jane Doe) at 1011 Southside when two men and a woman entered the home. He identified the men as Alvin White (White) and Raydell Billy (Raydell), and the woman as Raynorma Billy (Raynorma). Raynorma held Jane Doe back while Raydell and White barged into the bedroom with John Doe. White held a machete up to John Doe while Raydell pointed a pistol at him. Raydell and White

demanded the keys to John Doe's vehicle. Raydell then shot the foot of the bed John Doe was laying in and proceeded to pistol whip John Doe on the head. Raydell demanded John Doe leave with him, White, and Raynorma. John Doe refused because he believed they would kill him if he did. Raydell then hit John Doe several more times and threatened to kill him before he, White, Raynorma left the residence. On the way out, Raynorma took the pistol from Raydell and fired at least seven shots into John Doe's vehicle, which was parked on the property. She also threw an object into the vehicle's windshield. Raynorma, White, and Raydell then got into Raynorma's Black Lincoln Navigator and fled the scene. John Doe left soon thereafter out of fear the three would come back to kill him. John Doe said he knew that Raydell had been released from prison approximately a week prior to this incident. SA Berry later searched John Doe's vehicle and confirmed it had been shot several times.

8. SA Berry also spoke with Jane Doe. She confirmed the events. She said the pistol Raydell shot at the foot of the bed with was the same one Raynorma used to shoot John Doe's vehicle. She also said the machete used by White had a black handle with a blue sheath. Jane Doe let SA Berry into her room where he saw a bullet hole and collected a bullet fragment from under the bed. Jane Doe also identified the Target Location as Raydell and Raynorma's residence.

9. On April 19, 2022, SA William Berry, SA Alyson Berry, and SA Michael Copeland travelled to the Target Location. There they saw a single-story residence, a hogan, and approximately 8 vehicles parked on the property.

10. Raydell's criminal history shows the following felony convictions:

- a. September 12, 2008, NM Stat § 30-22-24 Battery upon a Peace Officer. He was sentenced to two years in prison for this offense.

- b. April 5, 2009, NM Stat § 30-22-24 Battery upon a Peace Officer. This offense occurred while he was in prison. He was sentenced to 18 months' probation.
- c. On January 16, 2013, he was arrested by the FBI for being a felon in possession of firearms, in violation of 18 U.S.C. § 922. Multiple firearms were found in his residence at the time, which was the Target Location. This led to his conviction on June 11, 2013 of violations of Title 18 U.S.C. § 1153 Crimes in Indian Country, 18 U.S.C. § 113(a)(3) Assault with a dangerous weapon, 18 U.S.C. § 924(c) Discharge of a firearm during a crime of violence. His mother was the victim. He was sentenced to 6 years' and 9 months' prison to be followed by 3 year's supervised release.
- d. He has an active arrest warrant for a probation violation.

11. Based on the preceding information, I believe Raydell was a felon at the time he possessed the firearm he used to assault John Doe. His 2013 conviction demonstrates that he keeps his firearms at this residence and may have multiple firearms. This is consistent with my training and experience, where felons commonly keep firearms and ammunition in their possession in and around their homes, to include hiding them in vehicles and storage areas, in order to keep them accessible. I also know that sometimes felons will hide their firearms in areas within a shared residence not under their exclusive control in order to distance themselves from the firearms, including storing them in other people's vehicles or rooms. Based on the information provided in this affidavit, your affiant submits there is probable cause to believe the handgun used in the assault and ammunition maybe found within the Target Location described in Attachment A

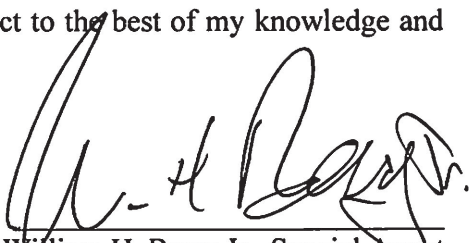
12. The incident under investigation occurred within the exterior boundaries of the Navajo Nation Indian Reservation. John Doe and Raydell are registered members of the Navajo Nation.

AUTHORIZATION REQUEST

13. Based on the facts set forth in this affidavit, there is probable cause to believe there was a violation of 18 U.S.C. § 1153 (Crimes in Indian Country), 18 U.S.C. § 113(a)(3) (Assault with a dangerous weapon), 18 U.S.C. § 924(c) (Discharge of a firearm during a crime of violence), 18 U.S.C. § 922(g)(1) (Unlawful Possession of a Firearm by a Convicted Felon), and that evidence of such crimes may be contained in the Target Location.

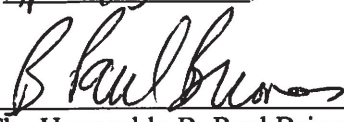
14. Assistant United States Attorney Mark Pfizenmayer, District of New Mexico, reviewed and approved this affidavit.

15. I swear that this information is true and correct to the best of my knowledge and belief.

 SA

William H. Berry Jr., Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me on April 25, 2022.



The Honorable B. Paul Briones
United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

This warrant applies to the residential compound located at the northeast end of 2nd Lane, Farm Road, Shiprock, New Mexico, with GPS coordinates 36°81985 N, - 108°71177 W (referred to as the “Target Location”), the surrounding property, the hogan, and any storage sheds, garages, and car ports on the property. The warrant also applies to any vehicles found on the property at the time of execution.

ATTACHMENT B

Particular Things to Be Seized

1. Firearms, including handguns.
2. Ammunition.
3. A machete with a black handle.
4. A blue sheath for a machete.